

**Statement of the
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Lessons Learned from the September 14-16 United Nations High Level Event

**Hearing before the
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Introduction

Chairman Hyde and distinguished members of this Committee, thank you for inviting me here today to discuss a subject that I know has been of profound interest to you all. I can assure you that we deeply appreciate and support the work this Committee has done to help strengthen and reform the United Nations. Many representatives of member governments and Secretariat officials have echoed this support because they recognize correctly that the United Nations is at a historic turning point – and that the inquiries by this Committee and others in Congress reflect an interest in making the United Nations stronger and more effective, so that it can carry out the mandate set forth in its Charter 60 years ago.

I would like to take this opportunity today to provide you with our initial assessment of the recent High Level Event in New York, and the opening of the 60th Session of the United Nations General Assembly, and also preview strategies we are considering to lay the foundation for lasting reform to make the UN more transparent, efficient, stronger, and accountable. While it is easy to blame the UN as an institution for some of the problems we confront today, we must recognize that ultimately it is member states that must take action, and therefore bear responsibility. As the largest financial contributor to the United Nations, the United States is and must remain a driving force in this effort. I look forward to working closely with this Committee and hearing your views on this matter.

United Nations Reform: A Status Report

Our overall assessment of the recent High Level Event is that it served as an important next step in the long process of reforming the UN in accomplishing key U.S. objectives. Following the High-Level Event in which approximately 170 heads of state and government participated, the United Nations 60th General Assembly adopted an Outcome Document on September 18, 2005. The final document was the product of nearly a year of discussion and a fortnight of intensive negotiations. It is clear that more work remains to be done, but we are proud of the results and strongly supported the adoption of this document. As Secretary Rice said in her recent speech to the General Assembly, “The United Nations must launch a lasting revolution of reform.”

The work preceding the start of this High Level Event crystallized around this Document, which represented an ambitious effort on the part of the General Assembly and the laudable efforts of President Jean Ping of the 59th General Assembly, as well as President Jan Eliasson to discuss a wide range of issues.

To be sure, there were elements we wish had been preserved in the final text but, broadly speaking, we got much of what we wanted in the document and succeeded in keeping out some elements that directly conflicted with key U.S. policies and jeopardized our long-term interests.

Before discussing the discrete subject matters addressed in the Outcome Document, I would like to take a moment to thank Ambassador Anne Patterson and the entire staff of the U.S. Mission in New York for their excellent efforts during the period before I arrived and the assistance they have provided me since.

I would like to explain the process that played out over the past year. First, while it was natural that negotiations became more intense as the September 14 deadline of 170 world leaders convening in New York approached, I want to stress here today that it was truly “a year” of difficult negotiations. Throughout that year beginning even before the release of the High Level Panel’s report, the Administration had been articulating long-standing United States’ positions and promoting areas of reform we deemed most critical to strengthening the UN and making it more effective.

Throughout the year, we were engaged in efforts to build support for our reform priorities in New York, and national capitals. Our focus included reforms such as the improvement of management of the organization, better use of UN resources, reforms to make the institution more effective in protecting human rights, and reforms to make the UN more effective in moving countries from conflict to peace. The Secretary was thoroughly engaged in this process herself and discussed these issues with her counterparts in several countries as well as with the Secretary General and President Ping.

For the first few months of this process, discussions of the Outcome Document were handled through a “facilitator process” managed by President Ping and select member states’ representatives as facilitators. These were not direct, multilateral negotiations in a traditional sense; rather, on each of the subject matters that were to serve as discrete sections of the Outcome Document, one Permanent Representative was chosen to gather the views of all 191 UN members and attempt to synthesize these views into one text. Without a doubt and to a person, the facilitators worked assiduously and did the best job possible under difficult circumstances. When texts were circulated, individual countries, including the United States in some cases, were forced to point out that core redlines contravening national policy were sometimes crossed, and that it would be impossible to ask our respective heads of state to endorse the draft document without substantial modification. In other cases, compromise language was found which on its face was acceptable. The problem, of course, was that all member states knew full well that different delegations had markedly different interpretations of that compromise text.

As a result, we and almost all other delegations strongly supported President Ping’s decision to move to a more direct negotiation process between key representatives from member states. However difficult this was, it was the only realistic way forward. Some have since commented that the result was a watered-down version of the Outcome Document and that many important and ambitious reforms were left unheeded. No doubt there is more the United States wanted in the document, but critics of our approach should recognize that the alternative was to pay lip service to reform, something we would not do. Would it have been better for countries to agree and sign on to an

Outcome Document knowing full well it would never be implemented because of disagreements over interpretation on fundamental points? The answer is unequivocally “no.” Whatever flaws the Outcome Document may have, we now have a much clearer and transparent picture about not only what challenges we confront, but what opportunities we have to move forward.

One particular challenge for this document was the difficulty of negotiating in one lengthy document a whole waterfront of issues that the international community faces. This is by no means to discredit the goal or suggest that individual topics should not be negotiated in proper forums. It is to suggest, however, that the utility of mass conferences is limited. Let me give you a case in point. As many of you know, finance officials from around the world have just converged in Washington for the World Bank – IMF Meeting to negotiate a number of specific issues related to debt relief. Some delegations at the UN attempted to replicate those negotiations in New York over the course of the past year. In so doing, they were attempting to hard-wire or lock-in national positions prior to the negotiations here in Washington. It was important that we resisted language that would have hampered U.S. negotiators by allowing other countries to point to language that we had just agreed to up in New York.

Another reason we should question the process itself is that too often, vague compromise language is quoted back against the United States, year after year, in subsequent negotiations. Sometimes national positions change, and too often we are confronted with the argument that if we accepted certain language before we are required

to accept it again. This sometimes even occurs when confronted with what seemed at the time to be boilerplate declarations on unrelated subjects. Of course, the UN itself has rejected this notion, as is evident by the successful repeal in 1991 of the abominable “Zionism is Racism” Resolution. Nonetheless, the negotiation problem for the United States, especially in the “facilitator” process, was real enough. Moreover, it is in the long term, not enough for the United States to accept questionable language that we attempt to put in the proper context through “reservations” or explanations of votes. As we found in the past few weeks, too often the objectionable language survives, and the reservations are lost or forgotten.

Let me now turn to specific subject areas that the Outcome Document addressed, or in some cases, failed to address. For the record I am attaching to this testimony copies of the letters pertaining to these subjects that we sent to all delegations on the different subjects. I hope this information will provide Members and staff with important background on how some of these debates played out.

Terrorism

Both President Bush and Secretary Rice focused the first portion of their respective remarks to the UN General Assembly on terrorism. Threats to peace and security in 1945 emerged mostly between states and were largely defined by borders. That is not the primary threat we face today. Today we live in a world where terrorists preach hatred and rogue states harbor these terrorists and threaten the entire civilized world with the proliferation of weapons of mass destruction.

It is for this reason that President Bush voiced our strong support for Security Council Resolution 1624, sponsored by the United Kingdom, which condemns the incitement of terrorist acts and calls on states to take appropriate steps to end such incitement. It is the reason the President was very pleased to sign the International Convention for the Suppression of Acts of Nuclear Terrorism, and called for the General Assembly to complete the Comprehensive Convention on International Terrorism (CCIT). And it is for this reason he spoke of new measures we have developed in close cooperation with our allies to drain terrorist networks of their financial support, and called upon others to join us in the Proliferation Security Initiative (PSI). As he noted in his remarks to the Security Council that day, “We have a solemn obligation to stop terrorism at its early stages. We have a solemn obligation to defend our citizens against terrorism, to attack terrorist networks and deprive them of any safe haven, to promote an ideology of freedom and tolerance that will refute the dark vision of the terrorists.”

One of the challenges we faced in negotiating the text on the Outcome Document, was on something so basic but critical as how to define terrorism. We wanted to make sure the text in the Outcome Document focused on true terrorist actions, and not those legitimate military activities appropriately governed by international humanitarian law. In so doing we were able to excise portions of the text which could have been interpreted by some as granting legitimacy to the International Criminal Court to govern actions such as those conducted by the U.S. military in pursuit of our legitimate operations. Other delegations attempted to argue that national liberation movements should be an exception

to sanctions for terrorist activity or that there were times when even civilians might be targeted by national liberation movements. We took the position, which ultimately prevailed, that there was no justification, and there could never be a justification for an act of terrorism, whether ideological or political.

The movement toward a common definition of terrorism, though not accomplished in this round of discussions, is a goal we think is achievable with the adoption of the Comprehensive Convention on International Terrorism (CCIT). This is precisely why the President challenged the international community and said, “We must complete the Comprehensive Convention on International Terrorism that will put every nation on record: The targeting and deliberate killing by terrorists of civilians and non-combatants cannot be justified or legitimized by any cause or grievance.”

Human Rights and Democracy

While countering specific terrorist threats and activities is a priority, there are other components of a longer-term strategy in winning the global war on terrorism that entail the promotion of liberty and democracy. As you know, the promotion of freedom through democracy and the protection of human rights and human dignity is a high priority for the President and all of us in the Administration. It was with this in mind that President Bush emphasized the point that, “We must change the conditions that allow terrorists to flourish and recruit, by spreading the hope of freedom to millions who’ve never known it. We must help raise up the failing states and stagnant societies that provide fertile ground for the terrorists.”

The promotion of democracy and human rights is another area where we feel important progress was made, at least in principle, during the High Level Event. The UN Charter specifically states that a central goal of the institution is “to develop friendly relations among nations, based on equal rights and self-determination of all peoples.” Too often, however, not enough has been done in practice. One notable success in practice is the recently established U.N. Democracy Fund and the growing support for it. Countries such as India, the world’s largest democracy, with its pledge of \$10 million have taken a leadership role to help promote the view that every free nation has a responsibility in advancing the cause of liberty. We were pleased that the Outcome Document contained explicit language endorsing this Fund that President Bush called for at the last UNGA in 2004. We were pleased to achieve as well a strong statement on

gender equality and women's empowerment while avoiding language that could be read to constitute an endorsement or promotion of abortion.

We were also pleased that member states ultimately agreed to language in the Outcome Document on the principle of the need to establish a new Human Rights Council, which is indeed progress. We should bear in mind that many delegations, not surprisingly a group comprising some of the world's most notorious human rights abusers, fought to delete this section in its entirety. An immediate priority for the United States during the 60th UNGA session will be passing a detailed resolution establishing the new Council. The U.S. position remains, as Secretary Rice noted, that it "must have fewer members, less politics, and more credibility.... It must have the moral authority to condemn all violators of human rights – even those that sit among us in the hall.... And it should never – never empower brutal dictatorships to sit in judgment of responsible democracies." The Outcome Document, though limited in detail on this matter, does clearly establish that the Council's mandate should focus on "grave" human rights "situations" in specific countries. Based on the Outcome Document, that central emphasis is a very good place to start and must be retained.

Peace Building

Another area that relates to the promotion of peace and democracy was the agreement to establish a new Peace Building Commission to advise on post-conflict resolution and reconciliation. In advising on reconstruction and institution building in the

immediate aftermath of a conflict, we must be certain that the Commission functions in an accountable and transparent manner. This is an admirable goal. The work still ahead in the upcoming months, however, is to define how the Commission will provide its advice and, more importantly, how to ensure that creation of this Commission ensures Security Council oversight, guidance and control of this intergovernmental advisory body. The goal of having this Commission established by the end of this year is ambitious, but still possible.

Responsibility to Protect

We also made important progress in the section on the “Responsibility to Protect” which moves us toward a new strengthened international consensus on the need for the international community to deal with cases where states are engaging in genocide, war crimes, ethnic cleansing, and crimes against humanity. We were successful in making certain that language in the Outcome Document guaranteed a central role for the Security Council. In fact, we underscored the readiness of the Council to act in the face of such atrocities, and rejected categorically the argument that any principle of non-intervention precludes the Council from taking such action.

Nonproliferation and Disarmament

Given the nexus between terrorism and weapons of mass destruction, we were disappointed that member states were not able to agree on text that we felt addressed the

most pressing threats the international community faces. As many of you know, the Nuclear Nonproliferation Treaty Review Conference was held in May 2005 and failed to reach consensus on these issues as well. In many ways the discussions over the summer on this section of the Outcome Document were simply a repetition of the discussions at the NPT Review Conference. Assiduous efforts by many countries such as Norway to find acceptable language failed, but we will continue to do our part to prevent the proliferation of weapons of mass destruction, through such activities as the Proliferation Security Initiative (PSI).

The lack of consensus on any text on this subject shows, though, how much work we have to do. Ignoring the positive steps we have made on disarmament such as through the Treaty of Moscow, many countries rejected language on the mechanisms we proposed to help counter the true threat facing the international community today—the nexus between terrorism and the proliferation of weapons of mass destruction. While we have made progress on UNSCR 1540, many countries have yet to enact the laws necessary to implement their obligations under that resolution in their territories. We are not giving up on these matters, and we are trying to get other member states to join us in activities such as the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

Development

We succeeded in incorporating development language in the Outcome Document that recognizes actions and commitments made by the donors since the Millennium Summit and the Monterrey Consensus and were especially pleased that the final version also included numerous provisions highlighting the measures that developing countries must take to promote their own growth and development.

The negotiations on this section of the Outcome Document did, however, become a hodgepodge of other issues, many of which should have been discussed in other fora or venues. We were able to revise language on climate change that over-emphasized the role of the Kyoto Protocol. We were also able to resist efforts by the French to secure international endorsement for a global tax on airplane tickets to finance development, noting only that some national governments intended to impose such taxes.

On the subject of development itself, the negotiations were hamstrung because some delegations wanted to lock-in guarantees on how much financial assistance they would receive while ignoring what we considered to be the most important issue: economic policy in developing countries. Prosperity requires policies and institutions at the national level that generate wealth and enable countries to participate in the global economy. Rich countries and successful developing countries have diverse traditions and institutions, but all rest on basic building blocks of a market economy, respect for property rights, enforcement of contracts, and the rule of law. As Secretary Rice noted in

her remarks to the General Assembly, “Donor countries have a responsibility to increase their assistance to developing nations. And developing nations have a responsibility to govern justly, to advance economic liberty, and to invest in their people.”

Our team in New York emphasized, and both the President and the Secretary reiterated, that the United States is committed to the Millennium Development Goals as well as consensus established in Monterey in 2002. We also reaffirmed our support for concluding a successful Doha round on international trade. It was important, however, to define and clarify what that support meant. Some delegations attempted to interpret that support in creative ways by inserting language into the text that was tantamount to locking in guaranteed shares of markets in international trade. Even in the late stages of the negotiation of the Outcome Document, there was language that some would interpret as requiring nations such as the United States to give technology and intellectual property rights to other nations. We were able to fix these problems.

I think that part of the reason we were successful in getting as much as we did was because of the Administration’s strong record in assisting developing countries. The position of some delegations that the United States was not living up to its end of the bargain was untenable. The United States has nearly doubled Official Development Assistance from \$10 billion in 2000 to \$19 billion in 2004. We have launched new initiatives such as the Millennium Challenge Account. This account is increasing U.S. aid for countries that govern justly, invest in their people, and promote economic freedom. We have also enacted the President’s Emergency Plan for HIV/AIDS Relief

and supported the G8 Gleneagles Summit's significant focus on the special needs of Africa. As the President noted in his remarks, the United States agreed with other G8 leaders to cancel 100% of the multilateral debt for those eligible Heavily Indebted Poor Countries (HIPC). This is a top priority for the President because, as he noted before the General Assembly, "We have a moral obligation to help others – and a moral duty to make sure our actions are effective."

Management Reform

In the Outcome Document, member states took important first steps in approving concrete reforms. The Document calls on the Secretary General to put forward specific proposals on reforms, including a UN system-wide code of ethics, stronger whistleblower protection, more extensive financial disclosure for UN officials, creation of an independent ethics office, review of mandates that are more than five years old, and independent oversight of internal UN operations.

Further steps are needed, however, and we will work diligently to ensure that the institution follows through on these important reforms. Part of the problem stems from the different ways that delegations frame the debate. For many within the Group of 77 (G-77), the central struggle is over the allocation of power between the General Assembly and the Secretary General, the chief administrative officer of the institution. The more important question to ask and answer, however, is: how can member states

which are ultimately responsible best ensure that the UN reforms itself into an efficient, effective, transparent and accountable institution?

We were disappointed, for example, that we were unable to agree on language in the Outcome Document that would have granted the Secretary General the authority to adopt more flexible policies regarding the deployment and hiring of personnel. Too many countries have personnel in cherished positions that they are desperate to hold on to, regardless of qualifications. Some delegations insisted that language be inserted on “equitable geographic distribution” with regard to hiring conditions, as opposed to the language of the actual Charter we insisted on, emphasizing competence and integrity.

The key of course is what steps need to be taken to see that these goals are fulfilled. It was for this reason the President applauded the initial effort but emphasized that these are only the “first steps.” In his own words, “The United Nations has taken the first steps toward reform. The process will continue in the General Assembly this fall, and the United States will join with others to lead the effort.”

We have seen some concrete steps being taken. We are pleased, for example, that Under Secretary General Chris Burnham is reviewing the fundamental assumptions regarding cost assessment of the Capital Master Plan. More broadly, however, we must change the culture at the UN that allowed scandals like Oil for Food to occur in the first place. This is why it is so important for delegations to be so vocal in their condemnation of these activities. This is not so much a criticism of the Secretariat, but rather, of

ourselves and other member states, for ultimately the UN Secretariat works for member governments, a fact we must leverage in the future as we chart a course for a reform. As President Bush remarked, “the process of reform begins with members taking our responsibilities seriously.” But we must remember that reform is not a one-night stand. We must lay a new foundation for fundamental change if we are to fulfill the Secretary’s goal of “launching a lasting revolution of reform.”

Allow me now to take this opportunity to explore some ideas that are being discussed in New York and capitals around the world and ways we might think about advancing UN reform even further. It is important to do so and goes back to what I mentioned earlier about the somewhat false debate over whether power should lie with the Secretary General or the General Assembly.

As the UN’s largest financial contributor, with our annual assessment constituting 22 percent of the regular budget, the United States bears special responsibility because we are in the position best suited to advance reform. Over the years, those who have worked in or studied the UN system have tried to ascertain which agencies, funds, or programs were viewed most favorably in terms of their management, efficiency and operation and asked if there were any common themes.

What is striking is the myriad, almost bewildering range of UN governing councils, executive boards, assemblies, commissions, committees, conferences, ‘open-ended working groups,’ panels of ‘independent’ experts, subsidiary bodies, not to

mention the proliferation of agencies, programs, funds, organizations, missions, secretariats, offices, tribunals, facilities, institutes, representatives, envoys and observers. One initial question that must be asked is how many of these entities have overlapping jurisdictions and how they are funded. There is no doubt that the activities of many of these institutions can be rationalized, and that some of them can be merged or eliminated, having outlived whatever usefulness they might once have had.

I also note, as this Committee has observed, that there are differences in performance based on the way different entities were funded. UN agencies are primarily funded through assessed contributions while funds and programs are typically funded through voluntary contributions. Catherine Bertini, former UN Under Secretary General for Management and former head of the World Food Program (WFP), noted that, “Voluntary funding creates an entirely different atmosphere at WFP than at the UN. At WFP, every staff member knows that we have to be as efficient, accountable, transparent, and results-oriented as is possible. If we are not, donor governments can take their funding elsewhere in a very competitive world among UN agencies, NGOs, and bilateral governments.”

Another idea we should consider is establishing contribution levels for a fixed period of time, and then renegotiating those levels for purposes of subsequent replenishments. There will never be a substitute for quality personnel and effective leadership, but it seems there are some steps we should consider to help break the sense of entitlement that is pervasive in some quarters.

Another factor that plays a role in the effectiveness of agencies and programs within the UN system is the size and composition of their respective governing councils. Having just participated in an exercise negotiating a text with 190 counterparts, I can assure you I know first hand the difficulty some agencies must face in their day-to-day operations. Simply put, in many cases, the bodies' governing agencies are unwieldy because they have too many members. This is why the United States has and will continue to push to limit the size of UN bodies. There are many other possible reforms we need to consider as well, such as changes in the committee structures of the UN General Assembly, and in other UN agencies as well.

Nowhere is this issue more salient than in the case of Security Council reform. We all recognize that the Council created in 1945 represents a world very different from today, which is why we will continue to actively support permanent membership for Japan. Some proposals that are being considered in New York at this time, however, would undermine the Council's effectiveness, something we cannot support. Indeed, we should work on strengthening the effectiveness of the Security Council which means not only changing its composition to more accurately reflect realities of the day, but increasing its oversight and supervision of activities such as peacekeeping operations.

Conclusion

Earlier, I observed that one lesson of the process that led to the summit's Outcome Document is the limited utility of mass conferences. I know that this Committee has been concerned with the costs of UN conferences. I share that concern. The pressure for ever more conferences is due in part to the plethora of UN bodies and mandates, all of which at some point seek high level affirmation through conference. Another factor is that most member states, as well as the UN Secretariat, bear little or no financial cost for staging conferences.

None of this is to deny that it is sometimes necessary to hold high- level conferences when transnational problems require us to push the frontiers of cooperation. Where conference agendas conflict or overlap with the mandates of other institutions or simply review outcomes of earlier conferences, however, their costs—both financial and political in terms of re-opening issues—far outweigh the benefits.

In summation, let me say that the recent High Level Event was successful in that the United States followed the most important rule: first do no harm. Moreover, there is a renewed understanding and recognition that the first steps toward true reform will require a true revolution and that a corporate culture change is in the offing. This will require active engagement of member states. Evidence of this is the progress we made in some key areas such as terrorism, human rights and management reform, though we will need to see effective implementation in the months ahead.

Clearly there is much work that remains to be done, and I look forward to working with this Committee to achieve those objectives. As the Secretary and others have said, we greatly appreciate your commitment to UN Reform, and remain committed to work with you to that end. With great respect, we oppose mandatory withholding of US dues. Let me again thank this Committee for its diligence and focus on issues so critical to making the United Nations stronger and more effective. We believe the UN community as well understands the central role that the U.S. Congress rightly plays in the debate. I am happy to answer any questions you might have and look forward to hearing your thoughts both now and in the future as we chart the course forward for reforming the United Nations.